

COMPLAINT RESOLUTION PROCESS

Formal Complaint

A formal complaint is a written claim that there has been a specific violation, misinterpretation, or misapplication of law, regulation or policy for which any office or service area of the Department has responsibility for assuring compliance. A formal complaint must, therefore:

1. be written;
2. be specific;
3. allege action that may violate, misinterpret or misapply law, regulation or policy (Addendum);
4. include substantive supporting documentation;
5. be within the jurisdiction of the Department to take corrective action if required;
6. be signed by the complainant.

The Assistant Director of the Office of School Improvement, or a designee, shall apply these criteria before proceeding with an investigation.

Informal Complaint

An informal complaint is an expression of concern that does not meet one or more of the criteria (Addendum) of a formal complaint, and therefore, cannot be processed by the Department. However, it is within the jurisdiction of the Field Services Unit (FSU) to assist the complainant to formalize the complaint or provide a contact person for this assistance. The Department may choose to investigate unsigned, informal complaints if the complaint alleges action that may violate, misinterpret, or misapply law, regulation or policy.

Receipt of a Complaint

A complaint received by the Department that is related to the area of supplemental education services (SES) should initiate the following procedures:

Upon receipt, all complaints should be logged by the FSU including:

1. date received;
2. name of complainant and other contact information; and
3. nature of the issue including as many specifics as possible.

A formal complaint should be forwarded immediately to the Assistant Director of the Office of School Improvement, or a designee, to initiate investigative proceedings.

Investigation of a Formal Complaint

A formal complaint received by the Department related to SES will result in a formal investigation by the FSU. The procedures for an investigation are as follows:

- 1.** A letter must be sent by certified mail to the involved parties notifying them of the impending investigation within five (5) business days of receipt of the complaint. The letter should include the following information:
 - a.** allegations identified in the formal complaint;
 - b.** parties involved;
 - c.** the investigative procedures that will be employed;
 - d.** questions necessary to clarify the allegations; and
 - e.** all other information pertinent to the complaint process or resolution of the complaint.
- 2.** The FSU is authorized to investigate in any of the following ways:
 - a.** site visit
 - b.** conduct interviews
 - c.** conduct telephone investigations
 - d.** gather testimony
 - e.** examine records
 - f.** collect documentation
 - g.** conduct hearings
 - h.** any other appropriate actions to gather facts and information necessary to reach conclusions
- 3.** The Director of the Office of School Improvement (OSI), or designee, shall determine, within thirty (30) days of initiating the investigation, that the investigation proceedings are complete and thorough and approve a report that indicates findings of:
 - a.** suspected violation or no violation
 - b.** responsible parties (in violation)
 - c.** recommended remedy in cases of violation
- 4.** If the report indicates a suspected violation, the Director of the OSI, or designee, transmits a letter to require that the party in violation take corrective action on the violation.
- 5.** Corrective action procedures are as follows:
 - a.** The party implicated in the complaint will be notified via certified mail that a response is required within ten (10) business days.
 - b.** If the party considers the complaint to be valid, the response should include the specific changes and timeline for implementation (no more than thirty (30) days from date of response) that will ensure compliance.
 - c.** If the party considers the complaint to be invalid, the response should include an explanation indicating the basis of disagreement and all supporting documentation necessary to support the claim.

- d. The Department will review the response within five (5) business days and notify all parties of the Department's decision and the right to appeal. A decision should clearly indicate at least one of the following:
 1. No change necessary.
 2. Proposed changes by the party in violation must be implemented within a defined timeline.
 3. Other changes are required (in lieu of proposed changes or in addition to proposed changes) as determined by the Department.

General Staff Postures When Processing a Formal Complaint

Department representatives should:

1. Provide all parties equal opportunity to present the facts.
2. Gather facts only.
3. Avoid opinions or premature conclusions.
4. Provide accurate record-keeping and note-taking.
5. Inform all parties of what they should expect in terms of the procedures.
6. Base conclusions on facts, measurable actions, and documentation.
7. Recognize that all parties have a right to equal information.
8. Adhere to the Rights and Privacy Act and Freedom of Information Act.

Appeal

Any party involved in the complaint may appeal the decision of the Department by providing written or email notice to the Superintendent's office within thirty (30) days from receipt of decision. The Superintendent's office may confirm, modify, or set aside the office or service area report. The Superintendent may designate employees within the Department to assist in resolving the appeal. The Superintendent will transmit a decision of violation or no violation to the involved parties and may designate the **Assistant Director of the Office of School Improvement to undertake** a follow-up review of the action directed by the Superintendent to assure compliance of the directives (if violation). **Complaints may be sent to:**

Mail: Michigan Department of Education
Office of School Improvement-Field Services Unit
SES Complaint Resolution
2nd Floor
608 W. Allegan
Lansing, MI 48933

Fax: 517-335-2886

Phone: 517-335-6738

ADDENDUM

The criteria used to determine whether the action violates, misinterprets or misapplies a law, regulation or policy shall be as follows:

1. The criteria for SES providers and LEAs found in the applicable sections of the No Child Left Behind legislation Section 1116(e).
2. The federal NCLB non-regulatory guidance related to SES services including but not limited to the following requirements that the SES provider:
 - a. has demonstrated record of effectiveness in increasing student academic achievement [Section 1116(e)(12)(B)(i)];
 - b. will use instructional strategies that are high quality, based upon research, and designed to increase student academic achievement (see C-17 for additional information) [Section 1116(e)(12)(C)];
 - c. provides services that are consistent with the instructional program of the LEA and with State academic content and achievement standards (see C-18 for additional information) [Section 1116(e)(5)(B) and 1116(e)(12)(B)(ii)];
 - d. is financially sound (see C-19) for additional information) [Section 1116(e)(12)(B)(iii)];
 - e. will provide supplemental educational services consistent with applicable Federal, State, and local health, safety, and civil rights laws (see C-3 for additional information) [Section 1116(e)(5)(C)]; and
 - f. “[may not]...offer “kickbacks” to district officials, principals, or teachers who encourage parents to select that provider; or... engage in false advertising about its program or other providers’ programs”.
3. The federal NCLB non-regulatory guidance related to LEA responsibilities including but not limited to the following requirements that the LEA:
 - a. “...use[s] fair and equitable contracts and do[es] not unfairly marginalize providers or limit providers’ abilities to promote their programs and services”; and
 - b. “...[avoid] practices that give preferential treatment to certain providers due, for instance, to their long-standing relationship with the school district, or give preferential treatment to an LEA’s own program over other providers’ programs. For example, an ... LEA [should not allow] some providers access to school facilities free-of-charge, while charging rent to others, or an LEA advertising its program to parents, but not allowing other providers to advertise in the same way. Each of these practices will unduly encourage participation in one program over other State-approved programs”.
4. Other criteria determined by the Department including, but not limited to:
 - a. ensuring that the SES selection process is parent-driven and does not promote bias or coercion in order to promote specific vendors based on criteria 3b.
 - b. legal judgment or a confirmed complaint by a government agency indicating that the SES is engaging in illegal and/or unethical business practices.